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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/430,644

10/29/1999

ROBERT NORMAN HURST

SAR-13543

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03/01/2005

MOSER, PATTERSON & SHERIDAN, LLP

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SHREWSBURY, NJ 07702

EXAMINER

AN, SHAWN S

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/430,644	HURST, ROBERT NORMAN	
	Examiner	Art Unit	
	Shawn S An	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12, 14-20 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 5, 13 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Response to Appeal Brief***

1. Applicant's arguments with respect to claims 1-4, 6-12, 14-20, and 22-24 have been thoroughly considered but are moot in view of the new ground(s) of rejection incorporating the previously cited prior art references (Wee et al and Hurst, Jr.) with detailed modified (mostly different) interpretations.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-12, 14-20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurst, Jr. (6,038,000) in view of Wee et al (6,104,441).

**Regarding claims 1-2, 9-10, and 17-18**, Hurst, Jr discloses a system/method for processing transport streams, comprising:

a controller (Fig. 1, 105) for identifying at least one (out/in)-frame within a transport stream, the (out/in)-frame representing (last/first) frame of the transport stream, respectively.

Hurst, Jr fails to disclose a decoder for decoding each identified (out/in)-frame, a respective portion of the transport stream including the (out/in)-frame, and an encoder for re-encoding each decoded portion of the transport stream to produce a respective (out/in)-point adapters including a predefined terminating (out/in)-point condition, respectively.

However, a conventional splicing processing comprising decoding and re-encoding an encoded/compressed/coded bitstream for splicing operation is well known in the art.

Furthermore, conventionally, a compressed/encoded/coded video bitstream is sent to a multiplexer, which outputs a transport bitstream or a program bitstream.

Moreover, Wee et al teaches a system for editing (splicing) compressed image (bits) sequences (stream) comprising a decoder (Fig. 3, 170) for decoding each identified (out/in)-frame, a respective portion of the transport stream (Fig. 3, elements 159 and 161, respectively), including the (out/in)-frame (Head/Tail data streams, Fig. 4, elements 201 and 205, respectively), and an encoder for re-encoding (recoded) each decoded (decompress) portion (four frames only) of the transport stream (col. 11, lines 19-26) to produce a respective (out/in)-point adapters including a predefined terminating (out/in)-point condition (Fig. 4, elements 203 and 207; col. 9, lines 29-55), respectively, for splicing together two moving picture sequences to form a desired third composite moving picture sequences (col. 1, lines 19-32).

Therefore, it would have been considered quite obvious to a person of ordinary skill in the relevant art employing Hurst, Jr's reference to incorporate the concepts as taught by the Wee et al so that the decoder decodes each identified (out/in)-frame, a respective portion of the transport stream including the (out/in)-frame, and the encoder re-encodes each decoded portion of the transport stream to produce a (out/in)-point adapter for splicing together two moving picture sequences to form a desired third composite moving picture sequences, thereby achieving frame accurate splicing operation.

**Regarding claims 6, 14, and 22,** Wee et al discloses decoding the in-frame and all non-I frames following the in-frame up to next I-frame (col. 11, lines 9-32).

**Regarding claims 3-4, 11-12, and 19-20,** Hurst, Jr discloses a controller, and Wee et al teaches each (out/in) point with a respective (out/in)-point adapters as discussed above.

Therefore, in the case of a concatenating an additional transport stream to the transport stream at a particular (out/in)-point, it would have been considered obvious for

decoded portion of the transport stream proximate the particular (out-in)-point to be replaced by the (out/in) point adapter associated with the particular (out/in)-point for an efficient frame accurate splicing operation.

**Regarding claims 7, 15, and 23**, Hurst, Jr discloses identifying packets associated with at least a sequence header (610), and determining for each frame in the transport stream, PTS, and/or DTS (Fig. 3, 360).

**Regarding claims 8, 16, and 24**, Hurst, Jr discloses meta files (330) for storing frames for subsequent use in generating a transition stream.

#### ***Allowable Subject Matter***

4. **Claims 5, 13, and 21** are objected to as being dependent upon a rejected base claims 1, 9, and 17, respectively, but would be allowable: if claim 5 is rewritten in independent form including all of the limitations of the base claim 1 and any intervening claims; and if claim 13 is rewritten in independent form including all of the limitations of the base claim 9 and any intervening claims; and if claim 21 is rewritten in independent form including all of the limitations of the base claim 17 and any intervening claims.

Dependent claims 5, 13, and 21 recite novel features, wherein the art of records fail to anticipate or make obvious the novel features.

Accordingly, if the amendments are made to the claims listed above, and if rejected claims are canceled, the application would be placed in condition for allowance.

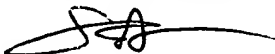
#### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn S. An* whose telephone number is 703-305-0099. The Examiner can normally be reached on Flex hours (10).

6. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SHAWN AN  
PRIMARY EXAMINER



2/24/05